IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2600 OF 2004

Manish Dattatray Patil ... Petitioner

versus

The State of Maharashtra & ors. ... Respondents

...

Mr. N.N. Gawankar with Mr. Arfan Sait, for the Petitioner.

Mr. K.V. Saste, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

22nd December 2004

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Saste, A.P.P., waives notice for the Respondents. As short question is involved, petition taken up for final disposal forthwith by consent.

. The limited issue that needs to be addressed in this petition is whether the appropriate authority was justified in rejecting

the Petitioner's request for extension of parole leave, that too without recording any reason. In the first place, the authority was expected to record reasons, which weighed for rejecting the request. Moreover, it is fairly accepted by the learned A.P.P. that the law permits extension of parole upto a total period of 90 days. It is not in dispute that the Petitioner has availed of parole for first 30 days and further extension of 30 days and that period is already over. As the law permits further extension and since the Petitioner has made out a case for further extension, because operation of his wife has now been slated on 27th December 2004, the request as made ought to have been favourably considered by the authority. As mentioned earlier, no reasons have been recorded in the order rejecting the request. That cannot be countenanced. In my opinion, this petition should succeed by directing the authority to grant extension of parole to the Petitioner for further period preemptorily upto 3rd January 2005, as per the rules. Petition allowed on the above terms.

. Parties to act on the authenticated copy of this order.